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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,471	08/23/2006	Kazuhiro Yokota	MAT-8885US	9692
53473	7590	06/08/2009		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER	
			LETTMAN, BRYAN MATTHEW	
			ART UNIT	PAPER NUMBER
			3746	
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			06/08/2009 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,471

**Applicant(s)**

YOKOTA ET AL.

**Examiner**

Bryan Lettman

**Art Unit**

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2008 and 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2008 and 23 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20071016, 20071009, 20060823.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 11 and V2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: The specification contains reference numerals not found in the drawings, As detailed above.

Appropriate correction is required.

***Claim Objections***

Claim 1 is objected to because of the following informalities: claim limitation lines should end with a semi-colon instead of a comma. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 5,288,212 to Lee in view of U. S. Patent 5,240,391 to Ramshankar.**

Referring to claim 1, Lee teaches a hermetic compressor comprising:

a hermetic container (1) connected to an external refrigerating system (col. 1, lines 10-21);

a compressing mechanism (4) being accommodated inside the hermetic container (1); and

a suction muffler (50) for forming a muffling space (52a) communicated with the compressing mechanism (4), the suction muffler (50) being provided with an inlet opening (53), the inlet opening (53) communicating the muffling space (52a) with an inside space of the hermetic container (1) (shown in Fig. 7) and closely facing the opening of the suction pipe (41) (shown in Fig. 7).

Lee does not teach an inlet suction pipe having a large diameter part and a small diameter part. Ramshankar teaches a compressor inlet comprising:

a suction pipe (34) including a large diameter part, opening to inside space of a hermetic container (12), having an opening and a small diameter part, the suction pipe being fixed with the hermetic container (12), and the large diameter part opening to an inside of the hermetic container (12) (shown in Fig. 1).

It would be obvious to one of skill in the art, at the time of invention, to modify the suction pipe taught by Lee with the suction pipe taught by Ramshankar in order to provide proper mixing of the cooler refrigerant flowing through the suction tube with the warmer refrigerant already in the hermetic container.

Referring to claim 2, 3 and 5-7, Lee and Ramshankar teach all the limitations of claim 1, as detailed above, and Lee further teaches a hermetic compressor wherein:

an opening of suction pipe (41) is larger than an opening area of the inlet opening (53) (shown in Fig. 7);

the inlet opening (53) is protruded from an outer surface of the suction muffler (50) (shown in Fig. 7);

the compressing mechanism (4) includes a cylinder (6) and a piston (7) reciprocating inside the cylinder (6);

the volume of the opening part of the suction pipe (41) is at least 0.1 times and at most 0.6 times of volume in the cylinder from a bottom dead center of the piston to a top dead center of the piston (from Fig. 3 the volume of the cylinder can be

estimated and the volume of the opening part of the suction pipe can be estimated from Fig. 7); and

a distance between the inlet opening (53) and the opening of the suction pipe (41) is at least 0.3 times and at most 1.0 times of a diameter of the inlet opening (53) (shown in Fig. 7).

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent 5,288,212 to Lee in view of U. S. Patent 5,240,391 to Ramshankar and U. S. Patent 5,039,287 to Da Costa.**

Lee and Ramshankar teach all the limitations of claim 1, as detailed above, but don't teach a compressor wherein the distance of the large diameter part to the small diameter part of the suction tube is greater than it's diameter in the large diameter part. Da Costa teaches a compressor wherein:

a distance from the opening of a large diameter part (11) to a small diameter part (10) is larger than an internal diameter of the large diameter part (shown in Fig. 3).

It would be obvious to one of skill in the art, at the time of invention, to modify the suction pipe taught by Lee with the suction pipe taught by Da Costa in order to provide proper mixing of the cooler refrigerant flowing through the suction tube with the warmer refrigerant already in the hermetic container.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Lettman whose telephone number is (571) 270-

7860. The examiner can normally be reached on Monday - Thursday between 9:00 am and 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. L./  
Examiner, Art Unit 3746

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
Unit 3746